IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No.2488 of 2006

DATE OF ORDER: 22.1.2007

United India Insurance Co. Ltd

...Petitioner(s)

Versus

Commissioner under W.C Act and Others

....Respondent(s)

CORUM : HON'BLE MR. JUSTICE M.M. AGGARWAL

.*.*.*.

Present: Mr. V.K. Kapur, Advocate.

Mr. Rajesh Punj, Advocate.

M.M. AGGARWAL,J

This is petition against order dated 3.3.2006 of Commissioner under the Workman Compensation Act, Panchkula whereby request of the present petitioner Insurance Company for amendment in its reply was dismissed.

The facts are that respondent Maya Devi and others had filed a claim petition for claiming compensation under the Workman Compensation Act in respect of death of Gurmukh Singh during the course of his employment, who was employed by respondents No.1 & 2 i.e M.M.R Safety and Security Consultant Pvt Ltd and Naresh Kumar Coal Sales Ltd.

Present petitioner i.e Insurance Company was made party as respondent No.3. By way of amendment, respondent No.3 i.e Insurance Company had prayed a plea to be taken that present petition was barred under Section 53 of ESI Act.

This amendment was just to take legal objection and technical in nature.

On behalf of the claimants, now respondents, it is argued that the evidence of the claimant was already closed when this application was made.

Since the amendment was to take only legal objections, this petition is allowed. Petitioner is granted permission to make amendment subject to payment of Rs.5000/- as costs. It is further directed that the Commissioner under the Workman Compensation Act, Panchkula shall dispose of the claim petition expeditiously preferably within a period of six months since the petition is of 1999.

January 22, 2007 (M.M. AGGARWAL)
manoj JUDGE